

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

FILED IN OPEN COURT
DATE June 6, 2008
BY Abg H. COOTE
DEPUTY CLERK
DIVISION, W.D. of

BUCHANAN COUNTY, VIRGINIA,)

Plaintiff,)

v.)

KENNETH MORRIS HALE,)

EARL LESTER JR.)

LEET CONSTRUCTION COMPANY)

GARY MOORE)

KENNETH JOSEPH STEPHENS)

K.J. STEPHENS & ASSOCIATES, LLC)

and VANSANT LUMBER COMPANY,)

Defendants.)

Case No. 1:05CV00066

VERDICT
(Liability)

We, the jury, unanimously find as follows:

Kenneth Morris Hale

Claim Three—Conspiracy to Engage in Unlawful Conduct (answer each “Yes” or “No”):

Did Kenneth Hale conspire to engage in unlawful acts? ~~no~~ yes

If yes, was Buchanan County an active co-participant, as defined in the instructions? ~~no~~ yes

Claim Five—State Law Restitution and Breach of Fiduciary Duty (answer “Yes” or “No”):

Did Kenneth Hale accept a bribe for services performed within the scope of his official duties? yes

Earl Lester Jr.

Claim One—Civil RICO (answer each “Yes” or “No”)

Was Earl Jester Jr. acting as Leet Construction Company’s agent when he rigged bids? yes

Did Earl Lester Jr.’s bid rigging injure Buchanan County’s business or property? no

If yes, was Buchanan County an active co-participant, as defined in the instructions? _____

Claim Two—Conspiracy to violate RICO (answer each “Yes” or “No”):

Did Earl Lester conspire to violate RICO? yes

If yes, did the conspiracy injure Buchanan County’s business or property? no

If yes to the first question, was he acting as Leet Construction Company’s agent when he did so? yes

If yes to the first question, was Buchanan County an active co-participant, as defined in the instructions? yes

Claim Three—Conspiracy to Engage in Unlawful Conduct (answer each “Yes” or “No”):

Did Earl Lester Jr. conspire to engage in unlawful acts? yes

If yes, was he acting as Leet Construction Company’s agent when he did so? yes

If yes to the first question, was Buchanan County an active co-participant, as defined in the instructions? yes

Gary Moore

Claim Three—Conspiracy to Engage in Unlawful Conduct (answer each “Yes” or “No”):

Did Gary Moore conspire to engage in unlawful acts? yes

If yes, was Buchanan County an active co-participant, as defined in the instructions? no

Kenneth Joseph Stephens

Claim One—Civil RICO (answer each “Yes” or “No”)

Was Kenneth Joseph Stephens acting as Vansant Lumber Company’s agent when he paid bribes? yes

Did Kenneth Joseph Stephens’s payment of bribes injure Buchanan County’s business or property? no

If yes, was Buchanan County an active co-participant, as defined in the instructions? _____

Claim Two—Conspiracy to violate RICO (answer each “Yes” or “No”):

Did Kenneth Joseph Stephens conspire to violate RICO? yes

If yes, did the conspiracy injury Buchanan County’s business or property? no

If yes to the first question, was he acting as Vansant Lumber Company’s agent when he did so? yes


If yes to the first question, was Buchanan County an active co-participant, as defined in the instructions? yes

Claim Three—Conspiracy to Engage in Unlawful Conduct (answer each “Yes” or “No”):

Did Kenneth Joseph Stephens conspire to engage in unlawful acts? yes

If yes, was he acting as Vansant Lumber Company’s agent when he did so?
yes

If yes to the first question, was Buchanan County an active co-participant, as defined in the instructions? yes


Foreperson